IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4860 OF 2004

Sunil Balu Pagare & 3 Ors. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri Vijay Patil for Applicants.
Shri R.Y. Mirza, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : NOVEMBER 25, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. Having regard to the seriousness of the offence and the investigation is still in progress coupled with the material already collected during the investigation to implicate Applicants Nos. 1,2 and 3 herein, namely, Sunil Balu Pagare, Vilas Ramchandra Nikam and Maloji Bhausaheb Patankar, not a case for bail. Hence, Application filed by those Applicants is hereby rejected.

3. However, in so far as, Applicant No.4 - Mohan

Ankush Sakunde is concerned, learned APP fairly accepts that there is absolutely no evidence with regard to Applicant No.4, attributing any role in so far as this applicant is concerned. In the circumstances, Applicant No.4 namely, Mohan Ankush Sakunde is enlarged on bail on the following conditions :-

(a) Applicant No.4 -Mohan A.Sakunde is enlarged on bail in connection with C.R.No. 51/2004, registered with Tembhurni Police Station, on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentyfive thousand only) with two local sureties in the like amount.

(b) He shall regularly report to the investigation officer daily till the investigation is complete or till filing of the chargesheet between 3 p.m. to 6 p.m. and after filing of the chargesheet once in a fortnight on Saturday between 3 p.m. to 6 p.m.

(c) He shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a

ground for cancellation of bail.

(d) Applicant No.4 shall not leave jurisdiction of the concerned Police Station without prior intimation to the investigating officer and the trial court.

(e) He shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

4. It is made clear that rejection of this Application shall not preclude the Applicants 1,2 and 3 to file regular bail application after filing of the chargesheet. That application will be considered on its own merit in accordance with the law.

5. Ordered accordingly.

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